

REMARKS

This Amendment is being filed in response to the Office Action mailed October 18, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

In the Office Action, claims 11-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,796 (Roeck) in view of U.S. Patent No. 6,798,463 (Sakakibara). It is respectfully submitted that claims 11-18 are allowable over Roeck and Sakakibara for at least the following reasons.

Roeck is directed to an apparatus for detecting a data carrier in a downstream channel by a cable modem. As correctly noted by the Examiner on page 4 of the Office Action, Roeck does not teach or suggest "stepwise scanning segments of the frequency band from the predetermined frequency value in accordance with frequency steps, the frequency steps being substantially equal to the bandwidth of the frequency channels, the segments being frequency

sub-bands that are substantially narrower than a channel, so that each step takes the scanning to a particular segment of the frequency band that is contained within the respective known region of a successive channel," as recited in independent claim 11, and similarly recited in independent claim 15. Sakakibara is cited in an attempt to remedy this deficiency in Roeck.

It is respectfully submitted that Sakakibara is not available as prior art with regard to the present application since Sakakibara has a U.S. filing date of October 20, 2000 which is after the September 29, 2000 foreign priority date of the present application.

Accordingly, it is respectfully submitted that independent claims 11 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 12-14 and 16-18 should also be allowed at least based on their dependence from independent claims 11 and 15.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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